

ATTACHMENT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TYRONE GREEN,)	
)	
Plaintiff,)	Civil Action No. 03-149E
)	
V.)	Judge Sean J. McLaughlin
)	Mag. Judge Susan Paradise Baxter
)	
MR. EDWART T. BRENNAN;)	
WILLIAM J. WOLFE; MAXINE)	
OVERTON; ASSIST. SUPER.)	
WILLIAM BARR; DR. BAKER;)	
P.A. TELEGA,)	
)	
Defendants.)	

DECLARATION OF MAXINE OVERTON

I, Maxine Overton, verify that the foregoing is true and correct to the best of my knowledge and belief:

1. I am employed by the Commonwealth of Pennsylvania Department of Corrections as the Corrections Health Care Administrator at the State Correctional Institution at Albion (hereinafter, SCI-Albion).

2. I have reviewed the attached complaint of inmate Tyrone Green, inmate number EP-4593, (hereinafter, Green) filed in the above-captioned matter and am aware that inmate Green contends that he received inadequate medical care while incarcerated at SCI-Albion in late 2001. See Exhibit 1.

3. On August 25, 2001, Green reported that he slipped coming out of the shower at SCI-Albion and injured his right hand. See Exhibit 2, at p. 1 (entry at 8-25-01); and Exhibit 3.

4. In preparing this declaration, I have reviewed Green's medical records related to this incident, including: the Progress Notes (see Exhibit 2); Millcreek

Community Hospital (hereinafter, MCH) records (see Exhibit 3); Physician's Orders (see Exhibit 4); Medication Administration Record (see Exhibit 5); SCI-Albion Healthcare Item Receipts (see Exhibit 6); X-Ray Reports (see Exhibit 7); and Consultation Records (see Exhibit 8).

5. It is apparent from these records that Green received an abundance of care from healthcare providers both within and outside of SCI-Albion.

6. Immediately following his injury on August 25, 2001, Green was seen in the SCI-Albion infirmary by John Purvis, RN. See Exhibit 2, at p. 1 (entry at 8-25-01); and Exhibit 4, at p. 1 (entry at 8-25-01). Nurse Purvis examined Green's hand, gave him a cock-up splint and ace bandage to immobilize the area, prescribed him 800 mg of Motrin, and advised that Green apply ice to the injury. Id.

7. Green's Medication Administration Records for August 25, 2001 show that he was indeed given the 800 mg of Motrin and ice for his hand. See Exhibit 5, at p. 1 (entries at 8-25).

8. The next day, on August 26, 2001, Green's hand was examined by James McDuff, RN. See Exhibit 2, at pp. 1-2 (entries at 8-26-01). Nurse McDuff noted that the splint and ace bandage were in tact and that Green declined medication and ice. Id. Later that day, Green was taken back to the infirmary and examined by Dr. David Bashline, DO. Id. Dr. Bashline directed that Green maintain use of the splint and ace bandage, and ordered that an x-ray of Green's hand be taken in the institution the next day. Id.; and Exhibit 4, at p. 2 (entry at 8-26-01).

9. An SCI-Albion Health Care Item Receipt dated August 26, 2001 and signed by Green confirms that Green received the cock-up splint and ace bandage. See Exhibit 6.

10. Green's hand was x-rayed at SCI-Albion on August 27, 2001, and the x-ray was sent to MCH for evaluation. See Exhibit 2, at pp. 2-3 (entries at 8-27-01); and Exhibit 3; and Exhibit 7, at p. 1 (entry at 8-27-01). The X-Ray Reports and Millcreek records show that Green was diagnosed with a displaced right ring finger and an avulsion (i.e., bone splinter) on his right pinky finger. See Exhibit 3 (MCH records); and Exhibit 7, at p. 1 (X-Ray Reports, entry at 8-27-01); and Exhibit 8, at pp. 1-2 (entries at 8-27-01).

11. Later in the morning of August 27, 2001, in light of the results of this x-ray, SCI-Albion medical staff – specifically, Nurses Susan Pittsenbarger and Marcie Kish, Dr. Mark Baker, and Physician's Assistant D. Telega – sent Green to MCH for treatment. See Exhibit 2, at pp. 2-3 (entries at 8-27-01); and Exhibit 4, at pp. 2-3 (entries at 8-27-01).

12. Green was examined at MCH, given a gutter splint and sling for his hand, and advised to apply ice to the injury. See Exhibit 3. A follow-up appointment was scheduled for September 5, 2001. Id.; and Exhibit 8, at p. 1 (entries at 8-27-01).

13. Upon return to SCI-Albion from MCH, Plaintiff was given ice for his hand, Tylenol, and Ibuprofen. See Exhibit 5, at pp. 1-3 (entries for 8-27-01). The gutter splint and sling were confirmed in-tact by SCI-Albion Nurse Tom Hickey. See Exhibit 2, at pp. 1-2 (entries at 8-27-01).

14. On September 4, 2001, Dr. T. Feretti was consulted regarding Plaintiff's follow-up appointment. See Exhibit 2, at p. 3 (entries at 9-4-01). It was determined that,

in light of scheduling and security concerns, Green would be seen by Dr. Feretti at the SCI-Albion orthopedic clinic on September 14, 2001, instead of being transported back to MCH to see him. Id.

15. Green was a “no-show” for his September 14, 2001 appointment with Dr. Feretti in the SCI-Albion orthopedic clinic. See Exhibit 2, at p. 3 (entry at 9-14-01); and Exhibit 8, at p. 3 (entry at 9-14-01). In light of Green’s absence from this appointment, Dr. Feretti recommended that Green be scheduled for a follow-up appointment with him at MCH in two weeks. See Exhibit 2, at p. 3 (entry at 9-14-01). This MCH follow-up appointment was approved by SCI-Albion medical staff, Dr. Bashline and Nurse Richard W. Carter, and scheduled for September 26, 2001. See Exhibit 2, at p. 3 (entry at 9-17-01); and Exhibit 4, at p. 3 (entry at 9-17-01).

16. On September 20, 2001, another x-ray of Green’s injured right hand was ordered by SCI-Albion Nurse Susan Martin. See Exhibit 4, at p. 4 (entry at 9-20-01).

17. On the morning of September 21, 2001, Green was examined by SCI-Albion Physician’s Assistant Telega, who noted that Green “wants a cast,” but “admits to taking splint off to clean hand on a regular basis.” See Exhibit 2, at p. 4 (entries at 9-21-01). P.A. Telega also noted that, despite his complaints, Green’s gutter splint was in tact. Id.

18. In the afternoon of September 21, 2001, an x-ray was taken of Green’s injured right hand, with the gutter splint on, and sent to Dr. Feretti for review. See Exhibit 2, at p. 4 (entries at 9-21-01); and Exhibit 7, at p. 1 (entry at 9-21-01); and Exhibit 8, at p. 4 (entry at 9-21-01). The September 21, 2001 x-ray showed that, as set in

the gutter splint, Green's injured hand was aligned correctly for healing. See Exhibit 7, at p. 1 (entry at 10-10-01).

19. Upon review of the September 21, 2001 x-ray, Dr. Feretti rescheduled Green's follow-up appointment from September 26 at MCH to October 12, 2001 at the SCI-Albion orthopedic clinic, noting that Green's hand was healing well and there was "no medical necessity to send [Green] offsite." See Exhibit 2, at p. 5 (entry at 10-01-01); and Exhibit 8, at p. 6 (entry at 10-12-01).

20. On October 12, 2001, Green was seen at the SCI-Albion orthopedic clinic and his injured right hand was x-rayed again, this time, without the splint on. See Exhibit 2, at p. 5 (10-12-01); and Exhibit 7, at p. 2 (entry at 10-12-01); and Exhibit 8, at pp. 5-6 (entries at 10-12-01).

21. The October 12, 2001 x-ray showed that Green's hand was healing. See Exhibit 7, at p. 2 (entry at 10-12-01).

22. Green was examined by SCI-Albion Physician's Assistant Telega on October 25, 2001, at which time he requested physical therapy for his hand. See Exhibit 2, at p. 5 (entry at 10-25-01). P.A. Telega showed Green how to do physical therapy exercises for his hand in his cell and prescribed Green 600 mg of Motrin. Id.

23. Green's Progress Notes and Physician's Orders show that he was seen by numerous SCI-Albion and outside medical professionals after this October 25, 2001 examination, but did not voice any complaints or concerns about his right hand for over a year. See Exhibit 2, at pp. 5-8 (entries at 10-31-01; 11-28-01; 3-5-02; 3-15-02; 3-25-02; 4-4-02; 4-23-02; 4-24-02; 5-17-02; 6-5-02; 9-27-02; 12-7-02) and Exhibit 4, pp. 5-8

(entries at 11-19-01; 11-28-01; 2-11-02; 3-15-02; 4-23-02; 5-17-02; 8-5-02; 8-12-02; 9-3-02; 9-27-02; 11-4-02).

24. Green next complained about pain in his right hand on December 20, 2002 during an examination by P.A. Telega. See Exhibit 2, at p. 8 (entry at 12-20-02). In response to his complaints, Green was prescribed 800 mg Motrin for fourteen days. Id.; and Exhibit 4, at p. 8 (entry at 12-20-02).

25. Upon Green's complaints, at their next visit on January 22, 2003, that the 800 mg of Motrin was upsetting his stomach, P.A. Telega lowered Green's dosage to 300 mg Motrin. See Exhibit 2, pp. 8-9 (entries at 1-22-03). P.A. Telega authorized Green to have the 300 mg Motrin refilled two times, and to take 800 mg Motrin doses when needed. Id.; and Exhibit 4, at p. 8 (entry at 1-22-03).

26. Again, Green met with SCI-Albion medical professionals numerous times for several months without voicing any complaints or concerns about his hand (see Exhibit 2, at p. 9 (entries at 2-20-03; 3-20-03); and Exhibit 4, at p. 9 (entry at 2-3-03)), next requesting a refill of his Motrin prescription on April 28, 2003, which was granted by Dr. Bashline. See Exhibit 2, at p. 9 (entry at 4-28-03); and Exhibit 4, at p. 9 (entry at 4-28-03).

27. Green was again silent with regard to his hand for nearly a year. See Exhibit 4, at pp. 9-10 (entries at 5-27-03; 6-11-03; 7-1-03; 7-7-03).

28. Upon transfer to a new institution, Green renewed his complaints of pain, and on March 18, 2004, another x-ray was ordered of Green's right hand. See Exhibit 7, at p. 3 (entry at 3-18-04). This x-ray was done on March 19, 2004 and reviewed by Dr. Peter G. Gregory on March 22, 2004. Id., (entries at 3-19-04; 3-22-04). This x-ray

revealed that the above-described injury to Green's right hand was healed and that there were "no new or acute fractures" nor "significant arthritic changes." Id.

The above averments have been made subject to the penalties of 28 U.S.C. §1746 relating to sworn falsification to authorities, which provides that if I make knowingly false statements, I may be subjected to criminal penalties.

Date:

11/29/05



Maxine Overton

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Tyrone Green

Plaintiff

V.

Martin Horn, et al.

- Ca, No. 03149- Erie
- District Judge McLaughlin
- Magistrate Judge Baxter
-

AMENDED COMPLAINT ADDING

NEW DEFENDANTS AND DAMAGES

Plaintiff would humbly like to add physician's assistant telega, employed by S.C.I Albion medical Department.

Pa Telega pre-maturely confasated plaintiff splint while plaintiffs hand was still broken. Pa Telega did so without Dr. ferrettis approval, Thus causing plaintiff severe pain and discomfort and prolong the healing process causing further damage to plaintiffs hand. Pa Telega stated to Plaintiff that *Plaintiff had three strikes AGAINST For NOT getting transported, and that was because Plaintiff WAS, black, convict and gay, per security*

There is no prejudice to the defendants, because there is no new claim or allegation. On page 3, of plaintiff's amended complaint plaintiff put the defendant on notice of the above event. plaintiff is just adding the person's name who was responsible. Plaintiff was unable to read the medical records pertaining to this event until defendant Baker filed its motion to dismiss plaintiff's amended petition.

AMENDMENT TO DAMAGES SOUGHT

For the charges presented to this court concerning the total complaint. Plaintiff seeks to be rewarded the following paid by each defendant or the agency they work for;

- 1) pain and suffering \$200,000
- 2) Neglances \$200,000
- 3) Punitive damages \$200,000
- 4)Compensatory \$65,000
- 5) Declartory damages; whatever our Honor deems fit.
- 6) Discrimination; \$500,000
- 7) Cruel and unusual punishment; \$100,000 and sentence reduction for violation of double jeopardy by plaintiff twice being punished in state custody.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct
Copy of the foregoing Original Complaint,
Amended Complaint AND Propose Amended complaint
WAS SERVED VIA INSTITUTIONAL MAIL this day
OF 10-5-05 upon:

Scott Bradley, Esquire
Litigation Section
6th Floor, MANOR Complex
564 Forbes Avenue
Pittsburgh, PA 15219

Elizabeth M. Yanelli, Esquire
The Thirty-Eighth Floor
ONE OXFORD CENTRE
Pittsburgh, PA 15219

DATE: 10-5-05

(S) Tyronne Green

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF PENNSYLVANIA.

Tyrone Green
(PLAINTIFF)

V

Martin Horn,

Dr. Mark Baker,

William Barr and Captain of S.C.I

Albion Security (John Doe), Et Al,

C.A. No. 03-149 Erie

Amended Complaint

- 1). On 8-25-01 Plaintiff was exiting the shower, when he slip and fell in a puddle of soap and water.
- 2). As a result of Plaintiff slip and fall, he broke two bones in his right hand.
- 3). On 8-26-01, Plaintiff was transported to Millcreek Hospital, wherein Plaintiff was issued a temporary cast which was placed on Plaintiff's hand.
- 4). Plaintiff was given said temporary cast due to the immense swelling in his right hand.
- 5). Plaintiff was scheduled by the Physician(s) at Millcreek to return in two(2) days once the swelling subdued, so that a permanent cast could be placed on Plaintiff's hand to stablize the two broken bones.
- 6). The Plaintiff was never returned to Millcreek Hospital for his scheduled follow-up care.
- 7). The medical records provided to Plaintiff states; for "scheduling and security concerns" Plaintiff was not transported back to Millcreek for follow-up care.
- 8). The denial to allow Plaintiff's scheduled follow-up care by defendants Barr, Baker, Security Capt. John Doe (was for non-medical reasons).
- 9). The actions of defendants Baker, Barr, and Security Capt. John Doe was deliberately indifference to Plaintiff serious medical need.
- 10). As a result of defendants actions, Plaintiff's hand was never stablized during it's healing process, thus putting Plaintiff in severe pain.

- 11). Plaintiff is now on daily medication orthritus.
- 12). The actions of defendants, Baker, Barr and John Doe in deny Plaintiff follow-up medical care constitute deliberate indifference to a serious medical need under the law of Pennsylvania.

Wherefore, Plaintiff request that the court grant the following relief:

A. Issue a declaratory judgment stating that:

The denial of follow-up medical treatment to Plaintiff by defendants Barr, Baker and John Doe violated Plaintiff 8th and 14th Amendment and constitute deliberate indifference under the State and Federal law.

B. Award compensatory damages in the following amount:

\$100,000 jointly and severally against defendants Barr, Baker, Security Capt. John Doe for physical and emotional injuries sustained as a result of Plaintiff being denied follow-up medical care.

UNSWORN DECLARATION

I, Tyrone Green hereby swear that the said Amended complaint and response to defendants motion to dismiss is true, and is being served to the Attorney of defendants on this date 1-18-05

C.C. Robert S. Englesburg

564 Forbes AVE
MANOR COMPLEX
Pittsburgh, PA 15219

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Name and address of Plaintiff:

MR. TYRONE GREEN EP-4593
10745- ROUTE 18
ALBION, PENN., 16475-0002

v.

Full name, title, and business address
of each defendant in this action:

1. MR. MARTIN F. HORN; FORMER SECRETARY OF D.O.C.
2520 LISBURN RD., P.O. BOX 598
CAMP HILL, PENN., 17001-0598

2. MR. JEFFREY A. BEARD Ph.D.; SECRETARY OF D.O.C.
2520 LISBURN RD., P.O. BOX 598
CAMP HILL, PENN., 17001-0598

(use additional sheets, if necessary. DEFENDANTS CONT. NEXT PAGES
Number each defendant.)

Plaintiff brings this action against the above named and identified defendants on the following cause of action:

I. Where are you now confined? STATE CORRECTIONAL INSTITUTION OF ALBION.

What sentence are you serving? LIFE.

What court imposed the sentence? WEST CHESTER COUNTY COURT.

II. Previous Lawsuits

A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to the previous lawsuit

Plaintiffs: NO

Defendants: NO

2. Court (if federal court, name the district; if state court, name the county) and docket number.

NONE

3. MRS. CATHERINE McVEY, DIRECTOR OF BUREAU OF HEALTH CARE SERVICES

2520 LISBURN RD. P.O. BOX 598

CAMP HILL, PENN., 17001-0598

4. MR. EDWARD T. BRENNAN, FORMER SUPERINTENDANT OF S.C.I. - ALBION

10745, ROUTE-18

ALBION, PENN., 16475-0002

5. MR. WILLIAM J. WOLFE, SUPERINTENDANT OF S.C.I. - ALBION

10745, ROUTE-18

ALBION, PENN., 16475-0002

6. MRS. MAXINE OVERTON, CORRECTIONS HEALTH CARE ADMINISTRATOR

10745, ROUTE-18

ALBION, PENN., 16475-0002

7. MR. RICK ROGUE, INSTITUTIONAL SAFETY MANAGER

10745, ROUTE-18

ALBION, PENN., 16475-0002

8. MR. TIM HAMETZ, INSTITUTIONAL HOUSING UNIT MANAGER

10745, ROUTE-18

ALBION, PENN., 16475-0002

9. ANY ET AL DEFENDANTS NOT LISTED HEREIN THAT ARE A SUPERVISING

AGENCY OR CONTRACTOR OUTSIDE THE DEPT. OF CORR. FOR WHOM ANY

LISTED DEFENDANT WAS OR IS AN EMPLOYEE OR REPRESENTATIVE THEREOF.

1. DEFENDANT, MR. TIM HAMMETZ IS THE UNIT MANAGER FOR F-UNIT, EMPLOYED AT S.C.I.-ALBION. HE IS GENERALLY RESPONSIBLE FOR THE CARE, CUSTODY, AND CONTROL OF ALL INMATES HOUSED ON HIS HOUSING UNIT. HE IS BEING SUED IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES.

2. DEFENDANT, MR. RICK FOGLE IS THE INSTITUTION'S SAFETY MANAGER, EMPLOYED AT S.C.I.-ALBION. HE IS GENERALLY RESPONSIBLE FOR INSURING THE SAFETY OF THE INSTITUTION, ADMINISTRATION AND/OR EMPLOYEES, AND INMATES. HE ASSUMES THE RESPONSIBILITY OF INVESTIGATING SITUATIONS AND/OR REPORTS WHERE SAID MENTIONED INDIVIDUALS' SAFETY IS PLACED IN IMMEDIATE OR EMINATE DANGER. HE IS BEING SUED IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES.

3. DEFENDANT, MRS. MAXINE OVERTON IS THE INSTITUTION'S CORRECTIONS HEALTH CARE ADMINISTRATOR EMPLOYED AT S.C.I.-ALBION. SHE IS GENERALLY RESPONSIBLE FOR ENSURING THE PROVISIONS OF MEDICAL CARE FOR PRISONERS, FOR SCHEDULING MEDICAL APPOINTMENTS OUTSIDE THE INSTITUTION WHEN AN INMATE NEEDS SPECIALIZED TREATMENT OR EVALUATIONS AND IS THE ASSIGNED GRIEVANCE OFFICER FOR GRIEVANCES PERTAINING MEDICAL CONCERNS. SHE IS BEING SUED IN HER INDIVIDUAL AND OFFICIAL CAPACITIES.

4. DEFENDANTS, MR. EDWARD J. BRENNAN - FORMER SUPERINTENDANT - AND MR. WILLIAM J. WOLFE, SUPERINTENDANT; BOTH FORMER AND CURRENT SUPERINTENDANTS WERE/ARE RESPONSIBLE FOR THE OVERALL

CARE, CUSTODY, AND CONTROL AND MANAGEMENT OF ALL INMATES HOUSED WHILE AT S.C.I.-ALBION. THEY ARE BOTH BEING SUED IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES.

5. DEFENDANT, MRS. CATHERINE McVEY, IS THE DIRECTOR OF BUREAU OF HEALTH CARE SERVICES OF THE DEPARTMENT OF CORRECTIONS WHO IS GENERALLY RESPONSIBLE FOR THE HEALTH CARE SERVICES ADMINISTERED TO INMATES THROUGHOUT THE DEPARTMENT OF CORRECTIONS. SHE IS BEING SUED IN HER INDIVIDUAL AND OFFICIAL CAPACITIES.

6. DEFENDANTS, MR. MARTIN F. HORN - FORMER SECRETARY OF THE D.O.C. - AND MR. JEFFREY A. BEARDS, Ph.D., SECRETARY OF D.O.C.; BOTH FORMER AND CURRENT SECRETARIES OF THE DEPARTMENT OF CORRECTIONS WERE/ARE RESPONSIBLE FOR THE CARE, CUSTODY, CONTROL, AND MANAGEMENT OF ALL INMATES THROUGHOUT THE ENTIRE DEPARTMENT OF CORRECTIONS. BOTH ARE BEING SUED IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES.

7. ANY ET AL. DEFENDANTS NOT LISTED HEREIN THAT ARE A SUPERVISING AGENCY OR CONTRACTOR OUTSIDE THE DEPARTMENT OF CORRECTIONS FOR WHOM ANY LISTED DEFENDANT WAS/IS AN EMPLOYEE OR REPRESENTATIVE THEREOF. THEY ARE BEING SUED IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES.

3. Name of judge to whom case was assigned NONE

4. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)

NONE

NONE

5. Approximate date of filing lawsuit NONE

6. Approximate date of disposition NONE

B. Prior disciplinary proceedings which deal with the same facts involved in this action:

Where? NONE

When? NONE

Result: NONE

III. What federal law do you claim was violated? THE EIGHTH (8th) & Fourteenth (14th)
AMENDMENTS OF THE UNITED STATES CONSTITUTION.

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

A. Date of event: AUGUST 25, 2001.

B. Place of event: S.C.I. - ALBION, F.A HOUSING UNIT SHOWER AREA.

C. Persons involved--name each person and tell what that person did to you: 1. ON AUGUST 25, 2001, PLAINTIFF WAS EXITING THE SHOWER WHEN HE SLIPPED AND FELL DUE TO COLLECTED WATER IN AND AROUND THE SHOWER AREA. AS A RESULT OF PLAINTIFF'S SLIP AND FALL, HE BROKE TWO (2) BONES IN HIS RIGHT HAND. There was ^{NO} mats or any other sort to prevent this accident.
2. ON AUGUST 26, 2001, PLAINTIFF WAS TRANSPORTED TO MILLCREEK HOSPITAL WHEREIN PLAINTIFF WAS ISSUED A TEMPORARY CAST WHICH WAS PLACED UPON PLAINTIFF'S BROKEN HAND. PLAINTIFF WAS GIVEN SAID TEMPORARY CAST DUE TO THE IMMENSE SWELLING IN HIS RIGHT HAND. PLAINTIFF WAS SCHEDULED BY TENDING PHYSICIAN(S) TO HAVE THE TEMPORARY CAST REMOVED IN TWO (2) DAYS TO HAVE REPLACED WITH FULL CAST. PLAINTIFF WAS NEVER RESCHEDULED OR TRANSPORTED BACK TO MILLCREEK HOSPITAL FOR HIS REPLACES CAST BY THE INSTITUTION.

STATEMENT OF CLAIMS CONT.

DISCUSSED THE ALLEGATIONS SURROUNDING PLAINTIFF'S GRIEVANCE AND AT THE CONCLUSION OF THE MEETING, PLAINTIFF VIEWED THE GRIEVANCE AS BEING UNRESOLVED.

4. PLAINTIFF RECEIVED THE INITIAL REVIEW RESPONSE FROM MR. TIM NAMETZ ACKNOWLEDGING THAT PLAINTIFF DID IN FACT FALL AND THAT PLAINTIFF'S SUGGESTION OF PLACING MATS ON THE FLOORS IN AND AROUND THE SHOWER WARRANTED MERIT "IF THERE IS A HIGH INCIDENCE OF SLIPS ON THE CERAMIC TILES." MR. TIM NAMETZ SUPPOSEDLY FORWARDED A COPY OF PLAINTIFF'S GRIEVANCE TO THE INSTITUTION'S SAFETY MANAGER, MR. RICK FOGLE FOR FURTHER REVIEW. PLAINTIFF HAS NOT RECEIVED ANY NOTICES OF THE SAFETY MANAGERS' REVIEW. PLAINTIFF APPEALED THE GRIEVANCE OFFICER'S RESPONSE TO THE SECRETARY'S OFFICE OF INMATE GRIEVANCES AND APPEALS.

5. ON SEPTEMBER 25, 2001, PLAINTIFF FILED ANOTHER GRIEVANCE CITING THAT MINNIECREEK HOSPITAL ISSUED HIM A TEMPORARY CAST WITH INSTRUCTIONS FOR PLAINTIFF TO BE RETURNED TO THE HOSPITAL FOR A FULL CAST. THE INSTITUTION'S MEDICAL DEPARTMENT FAILED TO ADHERE TO PHYSICIANS INSTRUCTIONS FOR RETURNING PLAINTIFF FOR HIS INTENDED FULL CAST. PLAINTIFF IS NO MEDICAL PHYSICIAN BUT, HAS ENOUGH COMMON SENSE TO KNOW THAT THE PRESENT CONDITION OF HIS RIGHT HAND IS DUE TO THE LACK OF RESPONSIBILITY ON THE BEHALF OF THE INSTITUTION'S MEDICAL DEPARTMENT. PLAINTIFF IS NOW ON DAILY MEDICATION.

6. PLAINTIFF'S GRIEVANCE DATED SEPTEMBER 25, 2001, WAS FORWARDED TO GRIEVANCE OFFICER, MRS. MAXINE OVERTON, WHO THEN SCHEDULED TO MEET WITH PLAINTIFF ON THE ALLEGATION(S) RAISED WITHIN HIS

STATEMENT OF CLAIMS CONT.

GRIEVANCE. PLAINTIFF ADAMANTLY EXPRESSED HIS CONCERN IN BEHALF OF THE LACK OF RESPONSIBILITY BY THE INSTITUTION'S MEDICAL DEPARTMENT'S IMPROPER JUDGEMENT TO NOT SEND PLAINTIFF BACK TO MILLCREEK HOSPITAL FOR FURTHER MEDICAL TREATMENT AND A FULL CAST. PLAINTIFF'S REVIEW OF HIS ALLEGATION(S) RAISED IN HIS GRIEVANCE WERE UNRESOLVED AND PLAINTIFF HAS NOT RECEIVED AN INITIAL REVIEW RESPONSE FROM MRS. OVERTON.

7. ON SEPTEMBER 30, 2001, PLAINTIFF AGAIN FILED A GRIEVANCE REGARDING TO THE LACK OF PROPER MEDICAL TREATMENT FOR HIS BROKEN HAND AND HOW THE UNIT MANAGER OF PLAINTIFF'S HOUSING UNIT SHOULD HAVE, BUT FAILED TO INSTALL SAFETY PRECAUTIONS TO PREVENT FURTHER ACCIDENTS. PLAINTIFF'S GRIEVANCE WAS RETURNED BY GRIEVANCE COORDINATOR, MR. BILL BARR, AS BEING PREVIOUSLY ADDRESSED.

8. ON OCTOBER 22, 2001, PLAINTIFF RECEIVED A RESPONSE FROM THE SECRETARY'S OFFICE OF INMATE GRIEVANCES AND APPEALS FROM MRS. TSHANNA C. KYLER DENYING PLAINTIFF'S GRIEVANCE HE APPEALED DATED SEPTEMBER 12, 2001, REASONING FOR SAID DENIAL WAS DUE TO THE FACILITY MANAGER'S RESPONSE NOT BEING INCLUDED.

9. PLAINTIFF THEN SENT AN INMATE REQUEST SLIP, ON OCTOBER 22, 2001, TO THE MEDICAL DEPARTMENT/MRS. OVERTON/ EXPRESSING HIS CONCERNS ABOUT THE CONDITION OF HIS BROKEN HAND AND THE IMPROPER TREATMENT. PLAINTIFF STATED HE WAS EXPERIENCING PAIN AND LACK OF MOBILITY. TO DATE HE HAS NEVER RECEIVED A RESPONSE.

RELIEF

A. ISSUE A DECLARATORY JUDGEMENT STATING THAT:

1. THE DENIAL OF ADEQUATE MEDICAL TREATMENT TO THE PLAINTIFF BY DEFENDANTS OVERTON, McVEY, AND ET AL. DEFENDANTS DID IN FACT VIOLATED PLAINTIFF'S RIGHTS UNDER THE EIGHTH ^{& Fourteenth} AMENDMENT TO THE UNITED STATES CONSTITUTION AND CONSTITUTED A DELIBERATE INDIFFERENCE UNDER THE STATE AND/OR FEDERAL LAW;

2. DEFENDANTS BRENNAN, WOLFE, HORN, AND BEARD'S FAILURES TO TAKE ACTION TO CURB THE DENIAL OF ADEQUATE MEDICAL TREATMENT TO PRISONERS VIOLATED PLAINTIFF'S RIGHTS UNDER THE EIGHTH ^{& Fourteenth} AMENDMENT TO THE UNITED STATES CONSTITUTION AND CONSTITUTED DELIBERATE INDIFFERENCE UNDER STATE AND/OR FEDERAL LAW;

3. DEFENDANT HAMETZ AND FOGLE'S FAILURE TO PROVIDE REASONABLE SAFETY AND PROVIDE REASONABLE SAFE LIVING AND WORKING ENVIRONMENTS TO PRISONERS VIOLATED PLAINTIFF'S RIGHTS UNDER THE EIGHTH ^{& Fourteenth} AMENDMENT TO THE UNITED STATES CONSTITUTION AND CONSTITUTED A DELIBERATE INDIFFERENCE UNDER STATE AND/OR FEDERAL LAW;

B. ISSUE AN INJUNCTION ORDERING DEFENDANTS WOLFE, FOGLE, OR THEIR AGENTS TO:

1. IMMEDIATELY ARRANGE FOR RUBBER MATS TO BE PLACED ON ALL FLOORS IN ALL HOUSING UNIT SHOWER AREAS, DINING

HALL AREAS, LOBBIES, AND ALL INMATE WORK AREAS THAT CONTAIN POTENTIAL FOR FUTURE POSSIBLE SAFETY HAZARDS;

2. CARRY OUT WITHOUT DELAY ANY AND ALL OTHER SAFETY MEASURES AND PRECAUTIONS DEEMED NECESSARY TO GUARANTEE INMATE'S SAFETY IN THE INSTITUTION.

C. ISSUE AN ORDER FOR AN INJUNCTION ORDERING DEFENDANT BEARD TO:

1. MANDATE THAT DEFENDANT BEARD CONSTRUCT AND IMPLEMENT A DEPARTMENT OF CORRECTION POLICY FOR WHICH TO INSURE INMATE HEALTH AND SAFETY IN ALL ASPECTS OF INSTITUTIONAL HOUSING OF INMATES THROUGHOUT THE DEPARTMENT OF CORRECTIONS.

D. AWARD COMPENSATION FOR COMPENSATORY DAMAGES IN THE FOLLOWING AMOUNTS:

1. \$100,000 JOINTLY AND SEVERALLY AGAINST DEFENDANTS NAMEZ AND FOGLE FOR PHYSICAL AND EMOTIONAL INJURIES SUSTAINED BY FAILURE TO PROVIDE REASONABLE SAFETY AND FAILURE TO PROVIDE REASONABLE SAFE LIVING AND WORKING ENVIRONMENTS TO INMATES;

2. \$300,000 JOINTLY AND SEVERALLY AGAINST DEFENDANTS OVERTON, McVEY AND ET AL. DEFENDANTS FOR PHYSICAL AND

EMOTIONAL INJURIES SUSTAINED FOR THE DENIAL OF ADEQUATE MEDICAL TREATMENT TO PLAINTIFF;

3. ~~1,300,000~~ 300,000 JOINTLY AND SEVERALLY AGAINST DEFENDANTS HORN, BEARD, BRENNAN AND WOLFE FOR THE PHYSICAL AND EMOTIONAL INJURIES SUSTAINED IN CONNECTION WITH PLAINTIFF'S LACK OF REASONABLE SAFETY AND REASONABLE SAFE LIVING AND WORKING ENVIRONMENT AS WELL AS PLAINTIFF'S DENIAL OF ADEQUATE MEDICAL TREATMENT;

E. AWARD PUNITIVE DAMAGES IN THE FOLLOWING AMOUNT:

1. ~~300,000~~ 300,000 EACH AGAINST DEFENDANTS NAMETZ AND FOGLE;

2. ~~1,300,000~~ 300,000 EACH AGAINST DEFENDANTS OVERTON, McVEY, AND ET. AL. DEFENDANTS;

3. ~~300,000~~ 300,000 EACH AGAINST DEFENDANTS HORN, BEARD, BRENNAN AND WOLFE.

F. GRANT ANY OTHER SUCH RELIEF AS IT MAY APPEAR THAT PLAINTIFF IS ENTITLED.

3. ON SEPTEMBER 12, 2001, PETITIONER FILED A GRIEVANCE WITH THE INSTITUTION'S GRIEVANCE COORDINATOR, MR. BILL BARR, WHO THEN FORWARDED SAID GRIEVANCE TO GRIEVANCE OFFICER, MR. TIM HAMETZ; INST. UNIT MANAGER, ON SEPTEMBER 13, 2001, FOR INVESTIGATION. MR. TIM HAMETZ AKA'S PLAINTIFF
STATEMENT CONT. NEXT PAGES

- V. Did the incident of which you complain occur in an institution or place of custody in this District? If so, where?

STATE CORRECTIONAL INSTITUTION OF ALBION
10745 - ROUTE 18, ALBION, PENN., 16415-0002
and answer the following questions:

- A. Is there a prisoner grievance procedure in this institution?
Yes (X) No ()

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes (X) No ()

- C. If your answer is YES,

1. What steps did you take? AFTER RECEIVING GRIEVANCE OFFICER'S INITIAL REVIEW REPORT I THEN APPEALED TO THE SECRETARY'S OFFICE OF INMATE GRIEVANCES AND APPEALS.
2. What was the result? DENIED AS IMPROPERLY FILED.

- D. If your answer is NO, explain why not: _____

- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes () No ()

- F. If your answer is YES,

1. What steps did you take? _____
2. What was the result? _____

VI. Relief

State briefly exactly what you want the court to do for you.
Make no legal arguments. Cite no cases or statutes.

WHEREFORE, PLAINTIFF REQUESTS THAT THE COURT AND JURY GRANT THE FOLLOWING RELIEF:

RELIEF CONT. NEXT PAGES.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Date: _____

Signature of Plaintiff: _____

EXHIBIT 2

Case 1:03-cv-00149-SJM-SPB Document 86-2 Filed 12/09/2005 Page 27 of 35			
Date/Time	Pro #	Disc Abbreviation	Subjective, Objective, Assessment, Plan
8/25/01 2005	4	NSG	S: "I fell in the shower." O: VSS. 122/80, 95 ⁵ , 72, 16. Inmate claims to have fallen in shower while holding towel and then fell on floor. R hand in a fist position. Noted R hand edema, to antecubital of hand. Tendr to touch. ROM Very limited. N: alters in comfort. P: 23° infirmity observation. 8:00 AM to 1:30 PM 24°. drew R hand at 1:30 PM X 74°. checkup splint to secure. To be in By Physician 8/26/01. JOHN PURVIS, RN
8-26-01 8:05	4	NSG	O: inmate slept throughout shift, awakes after awakening, VSS, & verbal complaints throughout shift. R hand continues to be edematous in R arm. A: all. control. P: assess hand as needed. M. F. H. MARCIE KISH, RN II
8-26-01 0730	4	NSG	S: "I'm alright." O: R hand - splint & ACE bandage intact. Pt. declined medication or ice, VSS. Stated he wanted to rest; Appetite good. Resp. reg. & easy; SOB; & acute distress; no voiced complaints. A: Alteration in comfort. P: Continue to monitor in infirmary. J. McDuff JAMES McDUFF, RN
8-26-01 1100	4	NSG	S: Inmate seen in infirmary. Pain swelling R hand - fall in shower last night - swelling on hand - O: Penicillin; swelling at 4-5 MP area - A: Poss Fx Metacarpal P: Will maintain splint & ace - Return in AM for Xray - [Signature]

☐ Inpatient

Dr. Mary Baker
Medical Director

Date/ Time	Prob #	Discipline Abbreviation	Subjective, Objective, Assessment, Plan
8/27/01 1028	4	CSPHS	Pt scheduled offsite @ MCH-ER this day ~ eval tx @ hand tx. Security notified — Rebecca Gould Clinical Specialist R.H. Gould
8/27/01 1705	45	NSG	S: "I FEEL FINE" O: IMMAZE Returned FROM MCH hospital FX RT hand: Splint/ non Slung Wound - second. MAX check RT hand wound. No Clo Pmt/Discomfort A. Pain Complaint. P. Released To New Populomonin Chart REferred TO Dr. Bruce FORD FORD RX - FOLLOW UP CARE. TOM HICKEY, RN
9/4/01 1105	5	CSPHS	Pt scheduled onsite @ Dr. T. Ferretti on Fri 9/4/01 during the ortho clinic. Unable to schedule pt offsite due to scheduling & security concerns. Spoke @ Dr. Ferretti's staff re: this issue. ~ Sp tx @ hand Rebecca Gould Clinical Specialist R.H. Gould
9/14/01 1230	5	CSPHS	Pt "No Show" for ortho clinic. Per Dr. Ferretti, pt is to be scheduled offsite @ MCH ortho clinic for rev w/in 2 weeks Rebecca Gould Clinical Specialist R.H. Gould
9.17.01 1439	5	CSPHS	Pt scheduled offsite @ MCH ortho clinic @ Dr. T. Ferretti on Wed 9/26/01 to rev @ hand. Rebecca Gould Clinical Specialist R.H. Gould

PROGRESS NOTES

[] Outpatient

[] Inpatient

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
9-20-01		PAK	S: D
1610	#9		O: no xray
			A fracture 4 th /5 th metacarpal (R) hand
			P: chart reviewed: Dr. Ferretti, in note was
			a to show for on site dx (9/14) discussed
			@ length will take xray on site then
			transport to mch for review due to security
			issue of non emergent outside trips will
			follow process per Dr. Ferretti direction
9/21/01		PAK	P: N/S PA/Silhouette R 0950 hr apt
1005		I	
9/21/01		PAK	S: wants cast placed on (R) hand
1010	(19)	I	O: excessive motion splint.
			admits to taking splint off to clean
			hand on a regular basis.
			O: Splint intact - ulnar gutter plaster splint.
			CMS intact: Capillary refill, sensation
			intact - DSTS.
			A-S/P Metacarpal Fr 4 & 5 (R) hand
			P: X-ray done - to be taken to Dr. Ferretti's office for
			review, will R/S for TX plan in near future
			cast/splint until then. pt will be wearing

Progress Notes
Commonwealth of Pennsylvania
Department of Corrections
DC-472

Inmate Name: Green Tyronne

Inmate Number: #4593

DOB: 1-23-70

Institution: Albin

D. Telega PAC

Date/Time	Pro#	Discipline Abbreviation	Case No.	Document 86-2 Remark	Page 31 of 35
10/1/01	19	CS PHS	00149-SJM-SPB	Subjective, Objective, Assessment, Plan	
1304				<p>Pt's offsite appt on 9/24/01 @ Dr. T. Ferretti has been M/s for the 10/13/01 onsite clinic. X-rays reviewed by Dr. Ferretti on 9/21/01, healing well - no medical necessity to send Pt. offsite.</p> <p>Rebecca Gould Clinical Specialist</p> <p>Rh. Gould</p>	
10/14/01	19	CS PHS		<p>S: Ortho. clinic</p> <p>O: See DCU41</p> <p>A: S/P (R) 4th & 5th mc fx.</p> <p>P: X-ray OOS (done today): PT: PTC PRN.</p> <p>Pt voiced understanding.</p> <p>Rebecca Gould Clinical Specialist</p> <p>Rh. Gould</p>	
10/25/01	19	PA		<p>S: Quantity of hand also c/o</p> <p>I: (P) can closed request gts for it also state that did not repeatedly take splint off hand only x1 to wash hand. wants PT for hand.</p> <p>O: HEENI: (P) came off by self (ACU) loose.</p> <p>(P) cerumenosis & impaction AS.</p> <p>Sk: (P) scalp noted pain on (P) hand.</p> <p>Muc: (P) almost from (P) wrist - gpt 25%.</p> <p>A: Tinea Mannu, Cerumenosis AS, S/P Fx structure of 4th (P) hand</p> <p>P: (P) Deloxosch (P) gts AS BUDx 52 AS Fluicil for ear irrig. Tolmetate 1% ant BID x 30 dLF. Motrin 600mg PO BID x 30 dLF. instructed & demonstrated home exercises w/PT prior to home PT. RT as scheduled -</p> <p>pt voiced understanding</p>	
10-31-01		PA		<p>no show PA line 1340 appt no medical medication to reschedule</p> <p>TAMMY MOWRY, PA</p>	

PROGRESS NOTES

☒ Outpatient☐ Inpatient

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
11-28-01		PAR	Sheet AMIS clinic
1505	C		O Dec Dc 470
			A depression
			P Rt as scheduled TAMMY MOWRY, PA
3502		PAR	S 9 hemorrhoids noticed ~ 2 weeks ago during
1600	#	II	bleeding today more than anything
			O rectal small unthrombosed mass noted
			@ 12 o'clock hemocult E; E internal hemorrhoids
			A: hemorrhoids
			P: Ibuprofen 1% apply daily x 10 days
			↑ fluids especially H ₂ O. Rpm med
			indistinctly TAMMY MOWRY, PA
3/5/02		PAR	S - USORF 9/10
1315	(7)		O - San Diego 1/40
			A - Asperger's list
			P - lab's done - left hand expanded R/R
			Placed understanding
3/25/02	#15	1020152 O!	Patient received health education with regard to TB prevention and treatment verbalizes understanding
			Pt. received Hepatitis C educational pamphlet and health education regarding access and screening process. Pt. verbalized understanding.
			HCV 4/6/01 - B. Monroe BARBARA MONROE, F

Progress Notes
Commonwealth of Pennsylvania
Department of Corrections
DC-472

Inmate Name: Green Tyrone
Inmate Number: EP 4593
DOB: 1-23-70
Institution: SCI Albion

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
4/14/02	1230 WSA	O!	Telebinocular/Audiogram done per DOC policy. Passed _____; Failed No Show; Will reschedule & next clinic - Blum
4/23/02	8	NSG	Telebinocular/Audiogram done per DOC policy. Passed <u>VI</u> ; Failed referred to optometry JENNIFER CURRAN, LPN
4/24/02	10/10	Adm/PHS	Pt sched onsite c Dr Barron during the 5/02 OPT clinic ~ refraction & ^{Deborah Trimble} Administrative Asst. D Fumble
5/17/02	8	RT/OC PHS	5: Opt clinic O: See DC 441/451 A: Hyperopia P: Rx for glasses ordered Pt received understanding Wear as needed LINDA HELGERT, R.T.
6/5/02	8	RT/OC PHS	5: Eye clinic, new glasses O: See DC 441/451 A: Hyperopia P: GLASSES RECEIVED BY INMATE Pt expressed satisfaction. Informed pt of proper care of glasses, procedure for repairs + costs, involved in his responsibility Pt received understanding LINDA HELGERT, R.T.

PROGRESS NOTES

[] Outpatient

[] Inpatient

Date/ Time	Prob #	Discipline Abbreviation	Remarks Subjective, Objective, Assessment, Plan
7-27-02		PAE	S requesting refill Tolnattate states really works
0920	#9	HC	just came back
			⊙ hand skin peeling
			A-luna man
			P. Tolnattate wear apply B.D x 3 today (saw)
			Rt pm
			TAMMY MOWRY, PA
12-7-02	RHU	NSG	O: Placed in LHU No medical contraindications
1500			for Rhu placement — D.D. Daniel Przybrowski RN II
12/20/02		PAE	S c/o @ hand pain N/A Ex in past @ Ant
1235	(19)		trans "Achony"
12/14			O: From distal wrist . pt points to 4th & 5th
			metacarpals x-ray 10/12/01 @ fix 4th & 5th metacarpals.
			A post traumatic OTD @ hand
			By HC; Motrin 600mg BID x 14 days. 12/14/02
			Distal wrist swelling
1/22/03		PAE	S c/o @ hand pain. c/o
1055	(10)		GI upset & Motrin "did it work"
	(24)		also ch joint lock on pain of Scott @ itchy "wound"
			& help c Tolnattate. wants Cardiac Dist 2. GERD.
			"Lofat"
			O: X-ray 10/12/01 @ noted fx base 4th & 5th metacarpals

Progress Notes
Commonwealth of Pennsylvania
Department of Corrections
DC-472

Inmate Name: Green, Tyrone

Inmate Number: EP4593

DOB: 1-23-70

Facility: SCI Albion

⑧

Date/Time	Prob #	Discipline Abbreviation	Subjective, Objective, Assessment, Plan
1/22/05	1100 (24) (19) (25)	PA	<p>Granuloma - P. maculata / erythema x 10</p> <p>Abd NT / MD PBTXCL - non</p> <p>A. hist. traumatic DSDX @ hand, GFD, NGAO, gastritis, Thrombosis.</p> <p>P. no visible work if T < 32°. LLC; Mucation 2% on</p> <p>BID x 300 PBF. Cardia Det x 120 days. advised</p> <p>umbil P10 @ 1st part Rel; Carafate 1gm po QID x</p> <p>metron x 300 x 2 PBF. Metron 200mg po QID x 2</p> <p>Carafate x 300 x 2 PBF. RUCR provided</p>
2/20/05	12 (B/C)	PA	<p>5 lb diarrhea for Aug. stool softer than normal</p> <p>close x 2 rules ↑ stress / slat. → 500 Stm + wh</p> <p>gross exacerbates BMS TID peaty</p> <p>O Abd NT / MD, non pt / NMM</p> <p>A suspect EBS w/o Depression, BMD.</p> <p>P. LLC; Kasperate 300 po QID for x 14 days. RUCR</p> <p>advised Flu x P. provided</p>
3/20/05	15	BOOKS	<p>Patient received health education with regard to TB prevention and treatment verbalizes understanding</p> <p>Pt. received Hepatitis C educational pamphlet and health education regarding access and screening process. Pt. verbalized understanding.</p> <p>IACV @ 4601 - Brown</p> <p>BARBARA MONROE, RN</p>
4-28-05	1430 #9	PA	<p>Requesting referral to Notes and Carafate for</p> <p>(P) hand pain</p> <p>(C) (P) hand - gross deformities noted Rm</p> <p>appears with neurovascular intact</p> <p>A. S.p (P) hand x</p> <p>P. Notes 600mg po QID pm x 30 days PBF</p> <p>Carafate 1gm po QID x 30 days PBF</p> <p>diagnos ETC'S RUCR and as scheduled, need</p> <p>understand</p> <p>TAMMY MONROE, PA</p>